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THE ALBERTA LIBRARIES ACT CHAPTER L-12.1 1983

A GUIDE TO THE LEGISLATION

Alberta
CULTURE
1984

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CULTURE

March 1984

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ALL PERSONS MAKING USE OF THIS GUIDE ARE REMINDED THAT IT HAS NO LEGISLATIVE SANCTION; THAT THE COMMENTS ARE FOR THE CONVENIENCE OF REFERENCE ONLY AND THAT THE LIBRARIES ACT CHAPTER L-12.1, 1983, REGULATIONS AND RELATED LEGISLATION AND REGULATIONS SHOULD BE CONSULTED FOR THE PURPOSE OF INTERPRETING AND APPLYING THE LAW.

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The Libraries Act, 1983

An Explanation and Interpretation

Library legislation in Alberta has been essentially untouched since 1956. During the past twenty seven years, public libraries have developed new service patterns, Alberta's population has grown and changed in composition, the needs and demands of library users have increased and become more sophisticated, and technology has allowed public libraries to meet these demands and co-operate more easily with one another.

As an introduction to our new legislation, three major points should be noted. Firstly legislative drafting today is different from drafting in the fifties. For this reason, there is no preamble or philosophical statement of intent on the part of government. Much of the administrative detail governing library boards has been removed since these boards are "corporations" with a wide range of powers as specified in other acts. In addition, closer relationships have been established between the Libraries Act and other legislation governing municipalities.

Secondly, the Act now recognizes a specific Minister, the Minister of Culture, as being responsible for libraries. Given this, libraries now fall under a specific department, and the Department of Culture Act contains much of the material needed to enable the Library Services Branch to function. For that reason, there is no mention of specific personnel, the Branch or its duties in the new Act. The power to make grants and enter into agreements for library purposes is also contained in the Department of Culture Act.

Finally, the main purpose of the legislation is to specify clearly the roles of the various partners in library development. The Act recognizes the municipality as the primary focus for library service, and municipal library boards as the major building blocks. It continues to allow for co-operation between municipalities and school authorities to provide improved service through library systems, emphasizing that these systems are partners with municipal libraries. It provides for the continuing provision of library service through community libraries in hamlets within improvement districts. Although the role of the province is not specifically stated in the Act, it is seen as a supplementary and complementary one, and this will be reflected in the regulations.

Mary J. LeMessurier
Minister of Culture

GOVERNMENT OF THE PROVINCE OF ALBERTA

LIBRARIES ACT

(Assented to November 30, 1983)

CHAPTER L-12.1

1983

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LIBRARIES ACT

CHAPTER L-12.1

(Assented to November 30, 1983)

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Definitions

1 In this Act,

(a) "Alberta Library Board" means the Alberta Library Board established under Part 1;

(b) "board" means a municipal board, library system board or community board;

(c) "community board" means a community library board established or continued under Part 4;

(d) "community library" means a library established or continued under Part 4;

(e) "council" means

(i) in the case of a city, town, municipal district, village or summer village, the council,

(ii) in the case of a county, the county council,

(iii) in the case of a school authority, the board of trustees,

(iv) in the case of an improvement district or special area, the Minister of Municipal Affairs, or

(v) in the case of a new town, the board of administrators;

(f) "library system" means a library system established, or a regional library continued, as a library system under Part 3;

(g) "library system board" means

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In the following explanation, all comparisons are with previous legislation.

1(e) The word "council" is more clearly defined. No definition of "library" is given; instead the definition of library materials and library services will be given in the appropriate regulations.

(f) Regional libraries are now known as "library systems".

(h) The Minister with responsibility for library service is defined as the Minister of Culture. Details on the mandate of the Minister can be found in the Department of Culture Act and in the Cultural Grants Regulations. In these is the power to provide staff for the Department of Culture, the power to enter into agreements with other governments, municipalities or other bodies in respect of libraries, the power to make grants and the power to guarantee loans.

(k) Summer villages and new towns are added to the definition of municipality. Improvement districts and special areas are the only local government authorities not able to form municipal library boards.

(n) A new definition is given of a "school authority".

(i) a library system board established under Part 3, or

(ii) a board of management of a regional library continued as a library system board under Part 3;

(h) "Minister" means the Minister of Culture;

(i) "municipal board" means a municipal library board;

(j) "municipal library" means a library established or continued under Part 2;

(k) "municipality" means a city, town, village, summer village, new town, municipal district, county or a school district situated within a national park;

(l) "public library" means a municipal library, library system or community library;

(m) "Public Library Rate" means the rate assessed and levied pursuant to section 17;

(n) "school authority" means a school division, school committee of a county or school district, as the case may be.

PART 1

ALBERTA LIBRARY BOARD

Alberta Library Board

2(1) There is hereby established a board to be known as the Alberta Library Board.

(2) The Alberta Library Board shall advise the Minister with respect to matters relating to the expansion, development, co-ordination and encouragement of libraries and library services in Alberta.

Board appointment

3(1) The Minister may appoint not more than 7 persons as members of the Alberta Library Board and when this Act first comes into force the terms of office of members of the Alberta Library Board established under the *Libraries Act*, chapter L-12 of the Revised Statutes of Alberta 1980, are terminated.

(2) When this Act first comes into force, the term of office

(a) for 2 members, shall be 3 years,

(b) for 2 members, shall be 2 years, and

(c) for the remaining members, shall be 1 year,

but afterwards the term of office shall be 3 years.

(3) The Minister may, from among the members of the Alberta Library Board, appoint a chairman and any other officers he considers necessary.

Reappointments

4(1) A member of the Alberta Library Board is eligible to be reappointed only once for an additional consecutive term of office.

(2) Notwithstanding section 3, the term of office of a member continues until a member is appointed in his place.

Alberta Library Board:

2 The terms of reference of the Alberta Library Board are unchanged.

3 The Alberta Library Board is now appointed by the Minister, not the Lieutenant Governor in Council. The present Alberta Library Board is dissolved and a new board appointed. Terms of office of members will be three years instead of two years. The Minister may appoint the Chairman, rather than that officer being elected by the board, and she may appoint other officers if needed.

4 Members of the Alberta Library Board may only serve for two consecutive terms - previously there was no time limit on such service.

5 If government employees are appointed to the board, they are not eligible for remuneration.

6 The Alberta Library Board may make rules for conduct of its meetings without seeking permission of the Minister. It still requires specific approval from the Minister to actually carry out particular aspects of its work.

7 The Alberta Library Board must continue to make an annual report to the Minister. Currently this report is made at the end of June each year and tabled in the Legislature each Fall.

Remuneration

5 The members of the Alberta Library Board who are not employees of the Government may be paid remuneration and receive payment for travelling and other expenses incurred in connection with the work of the Alberta Library Board as prescribed by the Minister.

Board's functions

6(1) The Alberta Library Board may make rules governing the conduct of its meetings and the carrying out of its duties and functions.

(2) Without limiting the generality of section 2(2), the Alberta Library Board may, with the approval of the Minister, carry out surveys, encourage community activities, call public meetings, promote publicity campaigns, carry on its activities in co-operation with or through an established organization or agency and generally may do any act or thing having for its purpose the promotion of library services.

Annual report

7 The Alberta Library Board shall make an annual report on its work to the Minister, and the report shall be made at the time and in the manner the Minister determines.

PART 2

MUNICIPAL LIBRARIES

Application

8 This Part applies to every library maintained in whole or in part by municipal taxation and

(a) established under this Part, or

(b) continued under this Part.

Municipal board

9(1) In this section, "elector" means a person eligible to vote for a councillor under the *Local Authorities Election Act*.

(2) The council of a municipality

(a) may, on its own initiative, pass a by-law providing for the establishment of a municipal library board, and

(b) shall, if it receives a petition, signed by at least the number of electors of the municipality required under section 125 of the *Municipal Government Act*, requesting the establishment of a municipal library board, deal with the petition in accordance with that section.

(3) On the passing of a by-law providing for the establishment of a municipal library board, the municipal secretary of the municipality or the secretary-treasurer of the school district within a national park, as the case may be, shall forthwith forward a copy of the by-law to the Minister.

(4) On being established the municipal library board is a corporation and shall be known as "The (name of municipality) Library Board".

(5) The boards of management of all public libraries to which Part 3 of the *Libraries Act*, chapter L-12 of the Revised Statutes of Alberta 1980, applies are continued as municipal library boards under this Act.

MUNICIPAL LIBRARIES:

8 Sections 8 to 18 apply to all municipal library boards in Alberta.

9 A council may, on its own initiative, pass a bylaw establishing a municipal library board. A copy of this bylaw must be forwarded to the Minister. Such bylaws are no longer treated as money bylaws, having to have approval by the Local Authorities Board. They follow normal council practice of three readings.

PETITIONING:

The procedure for establishing a municipal library by petition is changed to bring it into line with other municipal responsibilities which can be activated in this way. Previously, a council had to pass a bylaw establishing a municipal library if ten percent of the electors whose names were on the assessment role, who were liable for payment of a mobile unit license, or who owned a share in a family farm corporation had signed a petition.

Now, a petition may be signed by any elector - that is, any Canadian citizen over eighteen years of age who is resident in the municipality and has resided in Alberta for six consecutive months immediately preceding the date of the petition. This broadens the base for signatures. The petition must be signed by electors equalling in number seven percent of the total population in municipalities under 1,000 population, five percent if the population is between 1,000 and 10,000 and three percent in all other municipalities. The petition has the effect of causing council to give first reading only to a bylaw. For further details see the Local Authorities Election Act, Chapter L-27.5, Section 47 and the Municipal Government Act, Chapter M-26, Section 125.

CONTINUATION:

All municipal library boards are continued under this Act, and all provisions of the new Act apply to existing boards.

MUNICIPAL BOARD POWERS:

Municipal library boards are defined as corporations. As such they have all the normal powers of a corporation, which in the Business Corporations Act are defined as all the capacities of a natural person, except as limited by the Libraries Act. For this reason specific authority is no longer required to purchase or dispose of library materials or real property, nor to engage staff, nor are the rules of conduct of the board prescribed.

Most corporate rights and powers are set out in the Interpretation Act, Chapter I-7, Section 16. In summary, these allow library boards to sue and be sued as boards, to enter into contracts and agreements, which includes the power to hire and dismiss staff, to acquire and dispose of real and personal property for library purposes, to regulate their own procedures and business, including setting down policies for the library and rules of conduct for their meetings, vests in a majority of the board the power to bind the whole board by their acts, and exempts boards members from personal liability provided their acts are not illegal. Library boards also have the power to borrow money except as restricted under Section 16(1).

Appointment

10(1) A municipal board shall consist of not fewer than 5 and not more than 10 members appointed by council.

(2) A person who is an employee of the municipal board is not eligible to be a member of that board.

(3) Not more than 2 members of council may be members of the municipal board.

(4) A member of the municipal board is eligible to be reappointed for only 2 additional consecutive terms of office, unless at least 2/3 of the whole council passes a resolution stating that the member may be reappointed as a member for more than 3 consecutive terms.

(5) Subject to subsection (6), appointments to the municipal board shall be for a term of 3 years.

(6) When appointments are made in respect of a first municipal board, council shall, as nearly as may be possible, appoint 1/3 of the members for a term of 1 year, 1/3 of the members for a term of 2 years and the remaining members for a term of 3 years.

(7) Notwithstanding this section, the term of office of a member continues until a member is appointed in his place.

Date of appointment

11(1) The appointments of the members of the municipal board shall be made on the date fixed by council.

(2) Any vacancy arising from any cause shall be filled by council as soon as reasonably possible for council to do so.

Validity of proceedings

12 No resolution, by-law, proceeding or action of any kind of the municipal board shall be held invalid or set aside for the reason that any person whose election to council has been judged invalid acted as a member of the board.

Board duties

13 The municipal board, subject to any enactment that limits its authority, has full management and control of the municipal library and shall, in accordance with the regulations, organize, promote and maintain comprehensive and efficient library services in the municipality and may co-operate with other boards and libraries in the provision of those services.

Budget

14(1) The municipal board shall before December 1 in each year prepare a budget and an estimate of the money required during the ensuing fiscal year to operate and manage the municipal library.

(2) The budget and the estimate of money shall be forthwith submitted to the municipal secretary of the municipality or the secretary-treasurer of a school district within a national park, as the case may be.

(3) Council may approve the estimate under subsection (1) in whole or in part.

Accounts

15 The municipal board shall

(a) keep accounts of its receipts, payments, credits and liabilities,

10(1) Residency requirement for library board membership is removed. Council may now appoint anyone it chooses to the board, except as prohibited in the Libraries Act Section 10(2) - 10(4). The power to appoint to the board carries with it other powers including termination of appointment, removal or suspension of board members, reappointment of members, appointing another person in place of a board member and appointing a person as a deputy. The power of a council over a municipal board is thus unchanged. For details on these powers see the Interpretation Act, Chapter I-7, Section 20.

10(2) An employee of a board may not be a member of that board. An employee is a person receiving remuneration from the board for work performed. Librarians may still be secretaries or treasurers to the Board if such duties are included as part of their job, but such appointments carry no voting rights and are at the board's pleasure.

10(3) Only two members of council may be members of the board. This prevents council from having a majority of board members in larger municipalities as could have previously happened.

10(4) Board members may only serve for three consecutive terms (a maximum of nine years) and further reappointment requires a two-thirds resolution of council. This allows council to retain good, productive board members but ensures that due consideration is given to this process. Terms already served count towards these three terms because all library boards are continued under the Act, and this section will apply to all reappointments to be made where existing board members have completed their third consecutive term.

Sub-sections 5-7 are unchanged from previous legislation.

11 More flexibility is provided to council in making appointments, by allowing it to set the date for annual appointment and giving additional flexibility when filling vacancies. Previously vacancies had to be filled at the first meeting of council after the vacancy occurred.

12 Acts of a municipal board are not invalid by virtue of the fact that a member of council on the board was improperly elected.

13 This replaces a more specific and limiting section 23 of the previous Act. It gives the board full control of library service except where such control is limited by the Libraries Act and Regulations. The effect is to place any regulating power over library boards with the Province.

Boards are to provide a "comprehensive and efficient" service, and will be given direction through regulations to help them define for themselves what this will mean. Boards are encouraged to co-operate with other library boards and other types of libraries in provision of service. Boards are required to promote their services.

14 Boards must provide two documents to council by December 1, three months earlier than previously. These are: -

a) A detailed estimate of revenue and expenditure - "a budget".
b) A statement of the amount of money requested from council - "an estimate of money".

Council has the power to approve the "estimate of money" in whole or in part, but has no power over the "budget". This ensures that the decisions regarding services are made by the board. Council has the power over how much money a board will receive, but not over how it is spent.

(b) have the accounts audited by a person approved by council, and

(c) have the audit submitted to council immediately after its completion.

Library building and equipment

16(1) When money is required for the purpose of acquiring real property for the purposes of a building to be used as a municipal library or for erecting, repairing, furnishing and equipping a building to be used as a municipal library, the council may, at the request of the municipal board, take all necessary steps to furnish the money requested or the portion of it that the council considers expedient.

(2) Money approved by the council under subsection (1) may be borrowed by the council under the authority of a by-law and on the security of debentures, which shall be termed "Public Library Debentures".

(3) The provisions of the *Municipal Government Act* or the *School Act*, as the case may be, governing

(a) the passing of by-laws for borrowing money,

(b) the issue and form of debentures, and

(c) the assessment, levy and collection of money necessary to meet the indebtedness incurred by the issue of debentures,

apply to the borrowing of money under subsection (2).

Special Public Library Rate

17(1) A council may, in addition to all other rates and assessments levied and assessed for municipal purposes, levy and assess from year to year a special annual rate on the assessed value of all property liable to taxation for municipal purposes, which rate shall be called the "Public Library Rate".

(2) The money collected under the Public Library Rate shall be used by the municipality

(a) to provide the municipal board with money with respect to the amount approved under section 14(3),

(b) if it is a party to an agreement described in section 19, to provide an annual grant to the library system board with respect to its budget under section 24, or

(c) to provide money to both the municipal board and the library system board with respect to budgets under sections 14 and 24 respectively.

Dissolution of board

18(1) If a municipal board fails to open a library to the public for a period of 2 years, the council may make an ex parte application to the Court of Queen's Bench for an order declaring the municipal board dissolved.

(2) The order dissolving the municipal board vests in the municipality all the property of the municipal board, and the council through its proper officers may take possession of the vested property and dispose of it in any manner it considers advisable.

15 This section is essentially unchanged. The board is responsible for keeping its accounts, although it can delegate this authority to others, including the municipal secretary. The auditor must be approved by council.

16 This restricts the powers of the board in terms of ability to borrow money for capital purposes, whether for land, buildings, renovations, repairs or equipment. In such cases, council must approve the borrowing and a procedure is set out in other Acts. For further details see the Municipal Government Act, Chapter M-26, Section 7. In the case of school districts and national parks, the School Act, Chapter S-3, Section 140 specifies that an order is required from the Minister of Education giving the school district board these municipal powers. Such borrowings may have to be submitted to a vote of proprietary electors, and to the Local Authorities Board.

17 This section allows council to levy a public library rate and specifies that the money raised from such a rate must be used to meet the requirements of the municipal board and/or the library system board.

Although councils may appropriate money for library purposes from the general mill rate, it is recommended that a public library rate be established to clearly define the amount of money available for public library service.

18 This section is unchanged, and allows a council to apply to the Court for dissolution of the municipal board, which dissolution allows council to take possession of all property of that board.

PART 3

LIBRARY SYSTEMS

Library system

19 Subject to this Act and the regulations, a municipality, improvement district, special area or school authority,

(a) on entering into and becoming a party to an agreement that contains provisions on terms required by regulations, with 1 or more municipalities, improvement districts, special areas or school authorities, and

(b) on complying with the regulations,

may request the Minister to establish a library system.

Library system board

20(1) On receipt of a request referred to in section 19, the Minister may

(a) establish a library system board, and

(b) prescribe the boundaries of the library system,

and on his doing so the parties to the agreement described in section 19 become members of the library system.

(2) On being established the library system board is a corporation and shall be known as "The (name of region) Library Board".

(3) All boards of management of regional libraries under the *Libraries Act*, chapter L-12 of the Revised Statutes of Alberta 1980, are continued as library system boards under this Act.

(4) The agreements referred to in section 19 that have been entered into under the *Libraries Act*, chapter L-12 of the Revised Statutes of Alberta 1980, are continued under this Act, as modified by this Act.

Joining an existing library system

21 A municipality, improvement district, special area or school authority may, in accordance with the regulations, become a member of a library system by complying with the terms of the agreement referred to in section 19, becoming a party to the agreement and receiving the approval of the Minister.

Appointment

22 A library system board shall consist of

(a) 1 member for each municipality and school authority that is a member of the library system, who is appointed by the council of the municipality or school authority, as the case may be,

(b) 1 member for each improvement district and special area that is a member of the library system, who is appointed by the Minister of Municipal Affairs,

(c) 2 members who are appointed by the Lieutenant Governor in Council, and

(d) any additional members appointed in accordance with the regulations.

System board duties

23 The library system board, subject to any enactment that limits its authority and the agreement described in section 19, has full man-

LIBRARY SYSTEMS:

19 This section maintains the practice of allowing school authorities, improvement districts and special areas to participate in library systems in addition to municipalities. It sets out the steps which have to be followed prior to such participation: -

a) Compliance with regulations under section 44(h) with respect to conditions which must be fulfilled prior to establishment.

b) Compliance with regulations under section 44(i) with respect to the procedure to be followed and the matters which must be covered by the agreement establishing the system.

c) Signing such an agreement.

20(1) Once a request for establishment is received by the Minister, she establishes the board and prescribes the boundaries of the system. The boundaries need not be co-terminous with those of the parties to the Agreement and may allow for expansion.

20(2) The library system board is a corporation and has all the powers of a corporation (see section 9) except as limited by the Act and Regulations.

20(3) The three existing library systems are continued under this Act. However, it will be necessary for each board to revise its agreement to conform with regulations under section 44(i) and forward this to the Minister, at which time the boundaries for the library systems will be prescribed and after that new participants may join the system.

21 New participants may not join an existing system without the Minister's permission. They would have to comply with regulations under section 44(h), have signed the agreement establishing that system and be within the boundaries prescribed for the system.

22 No change is made in the composition of the system board except that additional members are no longer appointed by the representatives of the participating units. Regulations under section 44(k) will set out the reasons for such additional appointments and the mechanism of appointment.

agement and control of the library system and shall, in accordance with the regulations and in co-operation with other boards, organize, promote and maintain comprehensive and efficient library services and may,

(a) borrow from time to time for the purpose of defraying its operating expenses an amount not exceeding 50% of the amount expended by it during its immediately preceding fiscal year;

(b) fix fees for the use of library services by residents of a municipality within the boundaries of the library system that does not receive library services from the library system board.

Budget

24(1) The library system board shall, on or before a date specified by each municipality, improvement district, special area and school authority that is a party to the agreement described in section 19, submit to each of them a budget and an estimate of the money required during the ensuing fiscal year to operate and manage the library system, including the amounts to be paid by each of them.

(2) Budget approval and compliance with the amounts to be paid by each party to the agreement described in section 19 shall be in accordance with the terms of that agreement.

Restriction of authority

25 Notwithstanding this Part, if a municipal library has been established in a municipality and is receiving library services from the library system board, the authority of the library system board and the municipal board is limited by the terms of any agreement described in section 19.

Establishment and capital grants

26 A municipality, improvement district, special area or school authority may grant money for capital works requirements and grant money to establish a library system.

Annual grants

27(1) If an improvement district or special area is a party to an agreement described in section 19, the Minister of Municipal Affairs may, in addition to all other rates and assessments assessed and levied for the purposes of an improvement district or special area, assess and levy from year to year a special annual rate on the assessed value of all property liable to taxation in the improvement district or special area for the purposes of the library system board and shall, on behalf of the improvement district or special area, make an annual grant, from the money derived from the special annual rate, to the library system board with respect to its budget under section 24.

(2) If a school authority is a party to an agreement described in section 19, the school authority may make an annual grant to the library system board with respect to its budget under section 24.

Withdrawal from the library system agreements

28 At any time after the expiration of 3 years from the date the party entered into the agreement, a party to an agreement described in section 19 may, by giving 12 months' notice, withdraw from the agreement.

Dissolution of a library system board

29(1) If a library system board fails to provide library services in accordance with the regulations for 2 years, the majority of the par-

23 The system board has full control over the library system, except as circumscribed by the Libraries Act and Regulations. As with municipal boards, this places any regulating power with the province.

The system board must co-operate with municipal boards in the provision of library service. The borrowing powers of system boards are limited to fifty percent of the previous year's expenditure, and can only be used for operating expenses. The power to fix fees is limited to that of a non resident fee for persons living within the boundaries of a system and within municipalities that do not receive library service from the system. Systems have no power to levy fees on persons outside of the system area or in municipalities that receive library service from the system.

24 This section sets out the mechanism for requisitioning money from participants. The agreement will specify the method of payment. Participants have no power to alter the requisition provided that it meets the requirements of the agreement.

25 This allows the agreement to limit the authority of either the municipal board or the system board as the participants decide.

26 A new provision allows participants to grant money for capital purposes, as well as for the initial establishment of a library system.

27 The mechanism is set out by which improvement districts, special areas and school authorities may raise money for the library system. Grants from school authorities are made under the authority of the School Act, Chapter S-3, Section 72(4)(g). A public library rate is again recommended to ensure that money is only used for library system purposes.

28 A party to the Agreement cannot withdraw from the Agreement until four years after signing it, and must give twelve months notice of such withdrawal. No notice of withdrawal is possible during the first three years. After the first four years, twelve months notice of withdrawal is required.

29 This section allows a majority of the participants in a library system to apply to a Court for dissolution of the system board, rather than requiring unanimous consent as previously. The Court has the power to divide the assets of the library system.

ties to the agreement described in section 19 may join in making an application to the Court of Queen's Bench for an order declaring the library system board dissolved.

(2) The Court, in the order dissolving the board, shall vest the property of the library system board in the Minister or in the councils of the parties to the agreement described in section 19 severally or in common as it considers just, or make any other disposition of the property that it considers just in the circumstances and the Minister and the councils may then take possession of the property and dispose of it as considered advisable by them, in accordance with any terms or conditions in the order.

Borrowing for library system boards

30 A municipality or a school authority that is a party to an agreement described in section 19, with the approval of the Minister, may borrow money to acquire real property for the purposes of a building to be used as the headquarters of a library system or for erecting, repairing, furnishing and equipping a building to be used as the headquarters of a library system, and section 16(2) and (3) apply to the borrowing of the money.

PART 4

COMMUNITY LIBRARIES

Community library

31 In any area, other than a municipality, where library services are not provided by a library system board, any association of persons, whether incorporated or not, may apply to the Minister to be established as a community library board and to be authorized to provide library services to the public in that area.

Community library board

32(1) On the recommendation of the Alberta Library Board, the Minister may establish a community library board and prescribe the boundaries of the community library.

(2) On being established a community library board is a corporation and shall be known as "The (name of the library) Community Library Board".

(3) All community library boards under the *Libraries Act*, chapter L-12 of the Revised Statutes of Alberta 1980, are continued as community library boards under this Act.

(4) The members of the community board shall be appointed in the manner and on the conditions prescribed by the Minister.

Community board duties

33 The community board, subject to any enactment that limits its authority, has full management and control of the community library and may

(a) provide library services within the boundaries of the community library in accordance with the regulations, and

(b) raise funds for the support of the community library, including the fixing of an annual membership fee.

Dissolution of board

34 On the formation of a library system board or a municipal board in an area where a community board is authorized to provide library

30 A new provision sets out the process whereby municipalities and school authorities can borrow money for land for a headquarters building, or for erecting, repairing, furnishing and equipping such a building. For further details see section 16.

COMMUNITY LIBRARIES:

31 Community libraries may only be established in hamlets within improvement districts, and then only when no service is provided by a library system.

32 The Alberta Library Board is required to make recommendations to the Minister on any applications for community libraries. The Minister shall prescribe the boundaries for service. A community library board is a corporation and has all the powers of a corporation (see section 9), and all existing community library boards are continued and will have boundaries prescribed. The Minister will set conditions and a mechanism for the appointment of members of a community library board at the time of its creation.

33 This section provides the community library board with full authority over library service subject to provincial regulation. It specifically gives authority for fund raising.

34 When a library system board or municipal board is formed to provide service to an area served by a community library board, grants will be discontinued and the latter may be dissolved. In such an event, the board will be consulted by the Minister on the disposition of its property. A community library board may only be dissolved on order by the Minister.

services, the Minister may, on the recommendation of the Alberta Library Board, order that a community board be dissolved and dispose of its property in consultation with the persons who were the members of the dissolved community board.

PART 5

GENERAL

Board member disqualifications

35(1) A person is disqualified from remaining a member of a board if he fails to attend, without being authorized by a resolution of the board to do so, the meetings of the board for 3 consecutive regular meetings.

(2) If a member of a board is disqualified from remaining a member under subsection (1) he is deemed to have resigned his seat on the board.

Chairman of board

36 A board shall elect a chairman and any other officers it considers necessary from among its members.

Meetings

37 A board shall meet at least once every 3 months and at any other times it considers necessary.

Record of meetings

38(1) All minutes, resolutions and by-laws of a board shall be entered in books to be kept by it for that purpose and the books shall be signed by the chairman or acting chairman.

(2) The minutes, resolutions and by-laws entered in books and purporting to be signed under subsection (1) are deemed to be original minutes, resolutions and by-laws, and the books shall be admitted in evidence as proof in all judicial and other proceedings without proof of the signature or official character of the person purporting to have signed them.

Library agreements

39 With the consent in writing of the Minister, a board in a county or municipal district may enter into agreements with any other municipal board relating to the provision of library services to the residents of that county or municipal district, as the case may be.

Safety and use of library facilities

40(1) A board may pass by-laws for the safety and use of the library, including

(a) the terms and conditions under which

(i) the public may be admitted to the building,

(ii) public library property may be used or borrowed by members of the public, and

(iii) borrowing privileges may be suspended or forfeited;

(b) notwithstanding subsection (3), fees to be paid by members of the public for

(i) the issuance of library borrowing cards, and

(ii) the use of those parts of the building not used for the purposes of the public library;

GENERAL PROVISIONS:

Sections 35-38, 40, 43-46 apply to all boards. Sections 39, 41, 42 apply only to municipal boards.

35 This section explains the process whereby a board member can be disqualified. It removes all reference to criminal offences or insanity and the necessity of requiring a court order.

A resolution of the board is required to allow a board member to miss a third consecutive meeting, if the board wishes to retain that member.

36-38 These sections are unchanged. Library boards have the power to elect their own chair and officers and must meet at least once every three months. A written record or minutes, resolutions and bylaws must be kept, it must be signed by the chair and is admissible as evidence in court.

39 This section limits the power of a municipal board in a county or municipal district with regard to agreements for library service with other municipal boards within that area. Such agreements require ministerial approval to ensure that library development is being encouraged and promoted. The boards power to enter into any other kind of an agreement is not restricted.

40(1) Library boards may have bylaws covering certain situations and a bylaw requires three readings by the board prior to passage. Regulations under section 44(a) will detail the specific provisions which must be covered by bylaws.

(c) penalties to be paid by members of the public for abuse of borrowing privileges.

(2) The *Regulations Act* does not apply to by-laws passed under subsection (1).

(3) A by-law or part of a by-law that requires a member of the public to pay a fee or charge for any of the following is invalid:

(a) admittance to any portion of a building used for public library purposes;

(b) using library materials on library premises;

(c) borrowing library materials normally lent by the library;

(d) acquiring library materials or information from other sources where the board considers that acquisition the most effective means of providing the library material or information.

By-law transmission

41 A municipal board, on passing a by-law under section 40, shall forthwith forward a copy of the by-law to the municipal secretary of the municipality or the secretary-treasurer of a school district situated within a national park, as the case may be.

By-law invalidated

42 The council of a municipality may disallow a by-law passed by a municipal board it has appointed.

Authorization to inspect

43(1) The Minister or a person authorized by him in writing may, during regular business hours, inspect the books, records and accounts of a board.

(2) A person authorized under subsection (1) shall, while inspecting the books, records or accounts of a board, carry identification in the prescribed form and present it on request.

Regulations

44 The Minister may make regulations

(a) respecting the establishment, maintenance, operation and management of public libraries;

(b) respecting the acquisition, provision, management, maintenance and disposition of library materials and facilities by public libraries;

(c) respecting the planning for, and provision and management of, library services;

(d) governing the filing, by boards, of returns and reports, and their contents;

(e) respecting the inspection of public libraries;

(f) prescribing the form of identification for persons authorized to inspect public libraries;

(g) providing for the making of any surveys by boards that the Minister considers necessary or advisable for the purpose of obtaining information to assist in the formulation of policies respecting matters to which this Act relates;

40(2) Such bylaws do not need to be published in the Alberta Gazette.

40(3) Fees may not be levied for admittance to the library, using library materials in the library, borrowing library materials purchased for loan, or for acquiring library materials and information on interlibrary loan or from a computer data base when such acquistion falls within the policy of the library.

Regulations under section 44(b) will define what is meant by "library materials" and "normally lent" and will require boards to set out in policy the parameters for acquiring information for patrons and the parts of the building not considered to be utilized "for library purposes".

41 A municipal board must forward a copy of any bylaws to the municipal secretary.

42 A council may disallow a bylaw but does not have the power to change a bylaw.

43 This section gives the Minister and her staff the power to inspect the records and accounts of the library, provided that proper identification is provided. Regular business hours are interpreted to be the hours which the library is open to the public.

44 This section provides the Minister with the power to make regulations for the guidance of library boards in providing service. The intent is to assist boards by ensuring that proper planning is undertaken for service, by requiring policies to be written on major aspects of service, by providing forms and statistics to assist librarians in budgetting and decision making, and by assisting boards to define for themselves what is meant by "comprehensive and efficient service." Regulations will also assist participants in library systems by clearly setting out steps to be taken before such participation and governing the organization of the system.

(h) prescribing conditions to be complied with by any municipality or school authority prior to its association with a library system;

(i) governing the matters required to be dealt with in agreements described in section 19 and the requirements and procedure to establish or expand a library system;

(j) respecting the disposition and transfer of library assets by municipal boards desirous of disposing of them to library system boards on entering into agreements described in section 19;

(k) subject to section 22, governing appointments to library system boards and the terms of office of their members.

Offence

45(1) Any person who wilfully contravenes any by-law under section 40 is guilty of an offence.

(2) A person who wilfully retains any book, record, film or other library property from any public library established and conducted under the authority of this Act is guilty of an offence.

(3) A person who obstructs the Minister or a person authorized in writing by the Minister to act on his behalf in the inspection of the records of a public library is guilty of an offence.

Disposition of fines

46(1) Any fine or penalty imposed pursuant to an offence under section 45(1) inures to the benefit of the board whose by-law was contravened.

(2) Any fine or penalty imposed pursuant to an offence under section 45(2) inures to the board having the management or control of the property in respect of which the offence was committed.

Repeal

47 The *Libraries Act*, chapter L-12 of the Revised Statutes of Alberta 1980, is repealed.

Proclamation

48 *This Act comes into force on Proclamation.*

45 This section updates the penalties for contravention of library board bylaws, wilful retention of library material and obstruction of the Minister. Other offences in previous legislation are now dealt with under criminal law. The maximum penalty is raised from twenty dollars to five hundred dollars and/or six months imprisonment. For further details see the Criminal Code, R.S.C. 1970, c. C-34, Section 722(1).

46 Stipulates that any penalties accrue to the library board, not the Province.

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